

**BEFORE THE APPEALS BOARD  
FOR THE  
KANSAS DIVISION OF WORKERS COMPENSATION**

<b>TERRY D. RICE</b>	)	
Claimant	)	
VS.	)	
	)	Docket No. 195,918
<b>KANSAS LABOR, INC.</b>	)	
Respondent	)	
AND	)	
	)	
<b>KANSAS BLDG. INDUSTRY WC FUND</b>	)	
Insurance Carrier	)	

**ORDER**

Respondent appeals from the preliminary hearing Order of Administrative Law Judge Floyd V. Palmer dated July 23, 1997, wherein Judge Palmer granted claimant ongoing medical treatment with Dr. Sergio Delgado until further order.

**ISSUES**

Whether claimant met with personal injury by accident arising out of and in the course of his employment with respondent or whether claimant's need for medical treatment is the result of an intervening accident suffered during later employment with a different respondent.

**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

Based upon the evidence presented and for the purpose of preliminary hearing, the Appeals Board finds as follows:

The Appeals Board finds, for preliminary hearing purposes, the Order of Administrative Law Judge Palmer should be affirmed.

Respondent objects to claimant's need for ongoing medical treatment from a 1994 injury to his low back. Claimant has not sought medical treatment for a substantial period of time but contends and did testify that his ongoing need for treatment at this time results from the original injury with respondent on August 1, 1994.

The Appeals Board acknowledges that there exists in the record some evidence which contradicts claimant's original claim. However, for preliminary hearing purposes the Appeals Board finds claimant's testimony to be sufficiently persuasive to allow ongoing medical treatment at this time.

**WHEREFORE**, it is the finding, decision, and order of the Appeals Board that the Order of Administrative Law Judge Floyd V. Palmer dated July 23, 1997, should be, and is hereby, affirmed.

**IT IS SO ORDERED.**

Dated this \_\_\_\_ day of September 1997.

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BOARD MEMBER

c: Stanley E. Oyler, Topeka, KS  
Matthew S. Crowley, Topeka, KS  
Floyd V. Palmer, Administrative Law Judge  
Philip S. Harness, Director